

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANMINA CORPORATION,

Plaintiff,

-v.-

DIALIGHT PLC,

Defendant.

19 Civ. 11710 (KPF)

DIALIGHT PLC,

Plaintiff,

-v.-

SANMINA CORPORATION,

Defendant.

ORDER

19 Civ. 11712 (KPF)

KATHERINE POLK FAILLA, District Judge:

For the reasons stated on the record during the July 2, 2024 pre-trial conference, and in accordance with the restrictions set forth therein, the Court hereby:

GRANTS IN PART and DENIES IN PART Dialight's *Motion in Limine* No. 1 to exclude the report and testimony of Sanmina's experts Dawn Hall and Drew Mooney (Dkt. #148 (19-cv-11710), 121 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 148 in Case No. 19 Civ. 11710 and docket entry 121 in Case No. 19 Civ. 11712.

GRANTS IN PART and DENIES IN PART Dialight's *Motion in Limine* No. 2 to exclude the report and testimony of Sanmina's expert Laird Burns (Dkt. #151 (19-cv-11710), 124 (19-cv-11712)). The Clerk of Court is directed to

terminate the pending motions at docket entry 151 in Case No. 19 Civ. 11710 and docket entry 124 in Case No. 19 Civ. 11712.

DENIES Sanmina's *Motion in Limine* No. 1 to exclude or limit the "lost profits" testimony of Dialight's damages expert, Dr. Andrew Hildreth (Dkt. #155 (19-cv-11710), 127 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 155 in Case No. 19 Civ. 11710 and docket entry 127 in Case No. 19 Civ. 11712.

GRANTS IN PART and DENIES IN PART Sanmina's *Motion in Limine* No. 2 to exclude or limit the "claimed costs" testimony of Dialight's damages expert, Dr. Andrew Hildreth (Dkt. #158 (19-cv-11710), 130 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 158 in Case No. 19 Civ. 11710 and docket entry 130 in Case No. 19 Civ. 11712.

GRANTS Sanmina's *Motion in Limine* No. 3 to exclude or limit the "market capitalization" testimony of Dialight's damages expert, Dr. Andrew Hildreth (Dkt. #161 (19-cv-11710), 133 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 161 in Case No. 19 Civ. 11710 and docket entry 133 in Case No. 19 Civ. 11712.

DENIES Sanmina's *Motion in Limine* No. 4 to exclude "claimed costs" damages not timely disclosed (Dkt. #164 (19-cv-11710), 136 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 164 in Case No. 19 Civ. 11710 and docket entry 136 in Case No. 19 Civ. 11712.

DENIES Sanmina's *Motion in Limine* No. 5 to limit evidence of fraudulent inducement to the allegations in Dialight's complaint (Dkt. #167 (19-cv-11710), 139 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 167 in Case No. 19 Civ. 11710 and docket entry 139 in Case No. 19 Civ. 11712.

DENIES Sanmina's *Motion in Limine* No. 6 requesting a hearing pursuant to Rule 104 of the Federal Rule of Evidence regarding Dialight's fraudulent inducement claim (Dkt. #177 (19-cv-11710), 149 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 177 in Case No. 19 Civ. 11710 and docket entry 149 in Case No. 19 Civ. 11712.

DENIES Sanmina's *Motion in Limine* No. 7 to exclude prejudicial evidence (Dkt. #170 (19-cv-11710), 142 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 170 in Case No. 19 Civ. 11710 and docket entry 142 in Case No. 19 Civ. 11712.

DENIES Sanmina's *Motion in Limine* No. 8 to exclude the report and testimony of Dialight witness Angel Escamilla (Dkt. #173 (19-cv-11710), 145 (19-cv-11712)). The Clerk of Court is directed to terminate the pending motions at docket entry 173 in Case No. 19 Civ. 11710 and docket entry 145 in Case No. 19 Civ. 11712.

Furthermore, the Court GRANTS Sanmina's request to prohibit Dialight from pursuing a post-contractual fraud claim and DENIES Sanmina's request to prohibit Dialight from presenting "new" damages figures. (*See generally* Dkt. #239 (19-cv-11710), 208 (19-cv-11712)). The Court further DENIES Dialight's

request to present its case-in-chief first; GRANTS Dialight's request to prohibit Sanmina from shielding employees under its control from testifying in Dialight's case-in-chief; and DENIES Dialight's request to preclude Sanmina from calling Chris Nelson as a witness at trial. (*See generally* Dkt. #240 (19-cv-11710), 209 (19-cv-11712)).

The Clerk of Court is directed to file this Order in both cases cited in the caption.

SO ORDERED.

Dated: July 2, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge